

BARNES & THORNBURG LLP

FRIED, FRANK, HARRIS,
SHRIVER & JACOBSON LLP

August 20, 2021

VIA ECF

The Honorable Jesse M. Furman
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

Re: *United States v. Jose Martinez-Diaz*, 1:16-cr-387-10 (JMF)

Dear Judge Furman:

On behalf of our CJA client Jose Martinez-Diaz, we respectfully request an adjournment of the sentencing hearing, currently scheduled for September 14, 2021, to a date that is convenient to the Court in November. The government, through Assistant United States Attorney Andrew Thomas, consents to this request.

This is Mr. Martinez-Diaz's fifth request for an adjournment of his sentencing hearing. All of these adjournments, which were requested on January 30, 2020 (ECF No. 354), June 30, 2020 (ECF No. 420), November 25, 2020 (ECF No. 470), and April 23, 2021 (ECF No. 499), were necessary because BOP had moved Mr. Martinez-Diaz to Puerto Rico, where he has pleaded guilty to a separate indictment. Earlier this week we learned that the BOP had moved Mr. Martinez-Diaz to the Brooklyn MDC on August 11th, where he is required to quarantine for at least 14 days under the BOP's transfer protocols.¹ Earlier today, we were able to talk on a phone call with Mr. Martinez-Diaz, who reported that he is ill with a severe cough that could extend his quarantine period. Therefore, we are not going to be able to meet with Mr. Martinez-Diaz in person and with a translator present until at least August 25th, which is just six days before his sentencing submission due date of August 31, 2021.

¹ See *BOP Modified Operations*, FEDERAL BUREAU OF PRISONS (Nov. 25, 2020), https://www.bop.gov/coronavirus/covid19_status.jsp (upon transfer, inmates "remain in QUARANTINE for at least 14 days"); *Covid-19 Guidance For Inmates Who Are Transferring Or Releasing From A BOP Facility*, FEDERAL BUREAU OF PRISONS (Aug. 8, 2020), https://www.bop.gov/foia/docs/guidance_for%20transferring_or_releasing_inmates_v3_20200808.pdf (similar).

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We therefore request this additional adjournment to provide time for us to work with Mr. Martinez-Diaz to finalize his sentencing submission and prepare him for the sentencing hearing.

Respectfully Submitted,

BARNES & THORNBURG LLP

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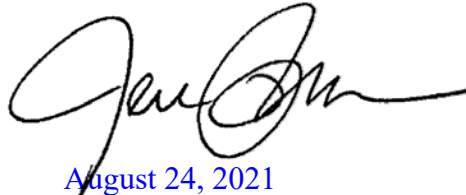
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Application GRANTED. Sentencing is ADJOURNED to November 2, 2021, at 11:45 a.m.
The Clerk of Court is directed to terminate Doc. #545. SO ORDERED.



August 24, 2021